



H.R. 1011 - Virginia Ridge and Valley Act of 2007

EXECUTIVE SUMMARY

H.R. 1011 was introduced by Representative Rick Boucher (D-VA) and was ordered to be reported, as amended, by voice vote, by the Committee on Natural Resources on September 4, 2007. The bill federally designates approximately 54,000 acres of land in the Jefferson National Forest in the state of Virginia as wilderness, a wilderness study area, a potential wilderness area, or a national scenic area.

The bill designates approximately 39,000 acres of land as federally protected wilderness, which would heavily restrict any human activity on the land, and would generally require the lands to remain in their natural state without roads or permanent structures, and keep them off limits to any motorized equipment or motor vehicles.

The Republican staff at the Committee on Natural Resources have concerns that (1) much of the land that H.R. 1011 proposes to designate as wilderness does not meet the requisite standards of the 1964 Wilderness Act, (2) thousands of acres in the proposed wilderness area are at high risk for wildfire and the bill will prohibit both the mechanical thinning that is required for proper management and protection of nearby communities, and the construction of any roads which will greatly hinder efforts to put out any fires (3) the bill will limit the Forest Service's ability to maintain endangered species habitat that is contained in the proposed wilderness area, and (4) the bill designates 722 acres of lands that have outstanding mineral rights, and does not adequately protect private landowners from having their lands incorporated into federally protected status. Additionally, the Forest Service only recommended 25,200 acres of the Jefferson National Forest for designation as federally protected wilderness.

The Congressional Budget Office (CBO) estimates that implementing H.R. 1011 would cost approximately \$3 million over the 2008-2012 period, assuming the appropriation of the necessary amounts.

FLOOR SITUATION

H.R. 1011 is being considered on the floor under a structured rule. The Rule:

- Provides one hour of general debate equally divided and controlled by the Chairman and Ranking Republican Member of the Natural Resources Committee.

- Waives all points of order against consideration of the bill except those arising under clauses 9 (earmarks) and 10 (PAYGO) of Rule XXI.
- Provides that the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, shall be considered as adopted and the bill, as amended, shall be considered as read. (See Amendment section below for details)
- Waives all points of order against provisions of the bill, as amended. This waiver does not affect the point of order available under clause 9 (earmarks) of rule XXI.
- Provides that the amendment printed in the Rules Committee report shall be in order if offered by Rep. Goodlatte (R-VA) or his designee.
- Provides that the amendment made in order shall not be subject to a demand for division of the question, shall be considered as read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.
- Waives all points of order against the amendment printed in the report except for clauses 9 (earmarks) and 10 (PAYGO) of Rule XXI.
- Provides one motion to recommit with or without instructions.
- Provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

This legislation was introduced by Representative Rick Boucher (D-VA) on February 13, 2007. The bill was ordered to be reported, as amended, by voice vote, by the Committee on Natural Resources on September 4, 2007.

H.R. 1011 is expected to be considered on the floor of the House of Representatives on October 23, 2007.

SUMMARY

H.R. 1011 federally designates approximately 54,000 acres of land in the Jefferson National Forest in the state of Virginia as wilderness, a wilderness study area, a potential wilderness area, or a national scenic area.

Newly Designated Wilderness

The bill designates approximately 39,000 acres of land in the Virginia counties of Craig, Montgomery, Smyth, Lee, Bland, Giles, and Grayson as federally protected wilderness, which would heavily restrict any human activity on the land, and would generally require the lands to remain in their natural state without roads or permanent structures, and keep them off limits to any motorized equipment or motor vehicles.

*Note: The Republican staff at the Committee on Natural Resources have concerns that (1) much of the land that H.R. 1011 proposes to designate as wilderness does not meet the requisite standards of the 1964 Wilderness Act, (2) thousands of acres in the proposed wilderness area are at high risk for wildfire and the bill will prohibit both the mechanical thinning that is required for proper management and protection of nearby communities, and the construction of any roads which will greatly hinder efforts to put out any fires (3) the bill will limit the Forest Service's ability to maintain endangered species habitat that is contained in the proposed wilderness area, and (4) the bill designates 722 acres of lands that have outstanding mineral rights, and does not adequately protect private landowners from having their lands incorporated into federally protected status. Additionally, the Forest Service only recommended 25,200 acres of the Jefferson National Forest for designation as federally protected wilderness.

Newly Designated Wilderness Study Area

H.R. 1011 designates another 3,226 acres of Bland County, Virginia as a wilderness study area for the United States Forest Service to study the area for possible future designation as wilderness.

Newly Designated Potential Wilderness Area

The bill designates 349 acres of Bland County, Virginia as a "potential wilderness area," as a temporary designation while the Forest Service completes ecological restoration work on the area. The bill provides that upon either completion of the work or five years that the area will automatically be designated as wilderness.

**Note: The Forest Service noted that "The Department does not support the designation as "potential wilderness" for [this] 349 acre portion...The designation "Potential Wilderness" is not a designation of the Wilderness Act of 1964."*

Newly Designated National Scenic Area

H.R. 1011 designates 11,583 acres of Smyth County, Virginia as a National Scenic Area which restricts development of the area, and restricts access from motorized vehicles, except during hunting seasons. The bill also requires the Forest Service to establish plans for hiking and equestrian trails in this newly designated scenic area.

BACKGROUND

Wilderness

According to the Forest Service, a designation of "wilderness" is the highest level of federal protection available for federally owned land. The Wilderness Act (P.L. 88-577) was signed into law by President Lyndon Johnson in 1964 and defines wilderness as "undeveloped Federal land retaining its primeval character and influence without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions..." The Act goes further to explain that wilderness is "an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain."

Only Congress can designate lands as federally protected wilderness, and in many instances Congress has done so at the recommendation of federal agencies. Wilderness lands are administered by the federal government and according to the Forest Service, on these lands the government prohibits temporary or permanent roads, and most wilderness areas do not allow motorized equipment, motor vehicles, mechanical transport, permanent structures, or installations. The public is allowed to visit wilderness areas and in most cases visitors may hike, camp, and watch wildlife, and in some instances they may fish, hunt, ride horses, or float rivers.

The Congressional Research Service notes that in 2005, the Federal government owned about 29% of the land in the United States, managed 106 million acres of land designated as wilderness, and protected another 46 million acres that was set aside as possible additions to the wilderness system. Wilderness lands are managed by four federal agencies, including the Forest Service (contained in the Department of Agriculture), the Bureau of Land Management, the National Park Service, and the Fish and Wildlife Service (contained in the Department of the Interior). As of 2005, nearly 7% of all land in the United States had been designated as wilderness, with over 54% of that land being located in the state of Alaska. The Forest Service indicates that the wilderness system is comprised of 662 individual wilderness areas in 44 states.

Wilderness Study Areas

Federal Agencies may designate areas of land as wilderness study areas to evaluate the area's suitability for consideration for designation as a wilderness area. Congress then may designate the area as wilderness or release it for non-wilderness use, or if no designation is made the lands remain under the management of federal agencies pending Congressional action. According to the Bureau of Land Management, in order to be designated as a wilderness study area, the land in question must be without roads and at least 5,000 acres in size, the land must generally appear to "have been affected primarily by the forces of nature," and it must provide "outstanding opportunities for solitude or primitive and unconfined types of recreation."

AMENDMENTS

(The Amendment summary below appears as it was printed on the Republican Rules Committee [website](#))

Rep. Bob Goodlatte (R-VA): The amendment changes the boundary of the Brush Mountain East wilderness area, removing 26 acres which contain a power line; changes the boundaries of the Seng Mountain Scenic Area, removing 1,263 acres from the area to allow continued use of the Barton Gap Motorized trail and wildlife habitat management in key areas; changes trail language for the Raccoon Branch area, removing specific requirements to locate the trail along Rt 650 and changing the connection road to Forest Development road 49352.

COST

The Congressional Budget Office (CBO) estimates that implementing H.R. 1011 would cost approximately \$3 million over the 2008-2012 period, assuming the appropriation of the necessary amounts. CBO also noted that “designating federal lands as wilderness could result in foregone offsetting receipts if, under current law, those lands would generate income from activities such as timber harvesting and mining.”

STAFF CONTACT

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